

REMARKS

By the above actions, claims 1, 3, 15, & 17 have been amended. In view of the amendments made and the following remarks, further consideration of this application is respectfully requested.

Claims 3, 15, & 17 stand rejected for indefiniteness under 35 U.S.C. §112, second paragraph. Claim 17 has been amended to conform the indefinite term “sealing body” with its “sealing element” antecedent in claim 1, by changing the word “body” to the word “element.” With regard to claim 15, it is not understood how someone of ordinary skill would not know what constitutes a “flexible tape” and it can only be assumed that the relative term “flexible” is the source of the indefiniteness which the Examiner considers to exist since the basis for the Examiner’s view that the term “flexible tape” is not set forth in the rejection, and for this reason, the word “flexible” has been deleted since it is inherent in the definition of a tape as reflected in the two definitions submitted herewith which indicate that a tape is defined as a narrow flexible strip “such as an adhesive tape.” Furthermore, since the word “tape” has an established meaning, there is no need for this term to have been defined by applicant. Lastly, in order to clarify the nature of the cement in claim 3, claim 3 has been amended to indicate that the cement is “formed of a mixture of silicone cement and another cement” as stated in paragraph [0010] of the substitute specification. Thus, these claims should now be clear and definite and this rejection should be withdrawn as a result.

Claims 1, 7, 15, & 17, stand rejected under 35 USC § 103 as being unpatentable over the Hauptmann patent when viewed in combination with the Inouye et al. patent. To the extent that his rejection relates to the claims as now presented, it is inappropriate for the following reasons.

Examiner indicated that the recitation “for attachment of a sealing element...to an application site” was interpreted as “an intended use” statement without indicating the effect this had on the application of the prior art to the claims. To insure that proper weight is given to this clause, the “for attachment to” terminology has been changed to a positive statement of the first adhesive surface “being attached to” a sealing element. This change bears directly on the applicability of the primary reference of Hauptmann which is designed for “compression

between structural members,” i.e., logs 22, 24. That is, not only is the Hauptmann sealant strip not attached to a “sealing element,” but because the claimed element is not a structural element and would not produce the compression for which Hauptmann’s sealant strip is designed for use, it would not even be obvious to use Hauptmann’s sealant strip in the claimed manner.

Furthermore, the curing to which the Examiner refers is between the surface of the foam core 10 and the silicone rubber sealing layers 12, 14 and as acknowledged by the Examiner, no intermediate layer is present as set forth in claim 1. For this reason, the Examiner has cited the Inouye et al. patent. However, no need for such a primer is reflected in Hauptmann and to the contrary appears unneeded. That is, Inouye et al. teaches his primer being for use with “so-called hardly adherable plastics” and the materials of Hauptmann’s core do not fall in that category of plastics. Additionally, Hauptmann discloses the use of adhesives that have “the ability to tenaciously adhere” so this combination of factors result in a person of ordinary skill having no reason to add Inouye et al.’s primer as an intermediate layer. On the other hand, that is not the case for the present invention which, as disclosed, uses the intermediate layer so that first an initial, non-permanent positioning can be produced which can be subsequently fixed by the crosslinking of the adhesive as indicated in paragraph [0009] of the specification.

In view of the foregoing the rejection under § 103 based upon the combined teachings of Hauptmann and Inouye et al. should be withdrawn and such is hereby requested.

Claim 3 has been rejected under 35 USC § 103 as being unpatentable over the Hauptmann patent when viewed in combination with the Inouye et al. and Mazurek patents. However, since even if the acrylate/silicone pressure-sensitive adhesive tape were used in Hauptmann, the present invention would still be distinguishable therefrom for all of the reasons noted above, this rejection should also be withdrawn.

Claim 4 has been rejected under 35 USC § 103 as being unpatentable over the Hauptmann patent when viewed in combination with the Inouye et al. and Johnson. However, since even if the core material of Johnson were used in Hauptmann, the present invention would still be distinguishable therefrom for all of the reasons noted above, this rejection also should be withdrawn.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned

Respectfully submitted,



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DSS:kmm

tape ⁴ (tāp)
n.

1. A narrow strip of strong woven fabric, as that used in sewing or bookbinding.
2. A continuous narrow, flexible strip of cloth, metal, paper, or plastic, such as adhesive tape, magnetic tape, or ticker tape.
3. A string stretched across the finish line of a racetrack to be broken by the winner.
4.
 - a. A length, reel, or cassette of magnetic tape.
 - b. A recording made on magnetic tape.
5. A tape measure.


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- 1** tape (noun) 
2 tape (verb)
3 tape (adjective)
adhesive tape 

U.I.I.N.E: Packaging Tape

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Huge catalog! Over 17,000 products. Same day shipping from 6 locations.

[www U.I.I.N.E.com](http://www.U.I.I.N.E.com)Main Entry: **'tape** 

Pronunciation: \ˈtāp\

Function: *noun*Etymology: Middle English, from Old English *tæppe*

Date: before 12th century

- 1** : a narrow woven fabric
2 : a string or ribbon stretched breast-high above the finish line of a race
3 : a narrow flexible strip or band: as **a** : **ADHESIVE TAPE** **b** : **MAGNETIC TAPE** ; *also* : **CASSETTE** **2b**
4 : **TAPE RECORDING**